

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: FRANCIS J BRENNAN : Case No. 13-53469
TAMY L BRENNAN : Chapter 13
Debtor(s) : Judge John E. Hoffman Jr.

TRUSTEE'S MOTION TO DISMISS (PLAN PAYMENTS)

LR 9013-1 NOTICE - THE CHAPTER 13 TRUSTEE HAS FILED PAPERS WITH THE COURT TO DISMISS THIS CASE. YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE. IF YOU DO NOT WANT THE COURT TO GRANT RELIEF SOUGHT IN THIS MOTION, THEN ON OR BEFORE TWENTY-ONE (21) DAYS FROM THE DATE SET FORTH IN THE CERTIFICATE OF SERVICE FOR THE MOTION, YOU MUST FILE WITH THE COURT AT 170 NORTH HIGH STREET, COLUMBUS, OHIO 43215 OR VIA ECF A RESPONSE EXPLAINING YOUR POSITION. IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION AND MAY ENTER THE ORDER GRANTING RELIEF WITHOUT FURTHER NOTICE OR HEARING. A TIMELY RESPONSE IS REQUIRED. YOU SHOULD SERVE YOUR RESPONSE AS REQUIRED BY LR 9013-1.

IF A RESPONSE IS FILED WITHIN THE TIME PROVIDED ABOVE, THEN A HEARING WILL BE HELD ON 5/1/2015 AT 12:30 pm, AT BELMONT COUNTY COURTHOUSE, 101 W. MAIN ST., ROOM 301, ST. CLAIRSVILLE, OH 43950, COURTROOM A. IF NO RESPONSE IS FILED WITHIN THE TIME PROVIDED, THEN NO HEARING WILL BE HELD.

Now comes Faye D. English, standing Chapter 13 Trustee herein, and moves this Court to dismiss this case pursuant to 11 U.S.C. §§1307(c), 521(b) and/or 109(h) for the reasons set forth below:

Debtor(s) have not made complete payments in the confirmed plan, resulting in an arrearage of approximately 2 months and \$5,694, which constitutes a material default under the plan pursuant to 11 U.S.C. §1307(c)(6).

Wherefore, the Trustee requests that an order be entered dismissing this case, granting the Trustee leave to file his Final Report, and discharging the Trustee from his trust.

Respectfully submitted,

/s/ Faye D. English

Faye D. English
Chapter 13 Trustee
10 West Broad Street, Suite 900
Columbus, Ohio 43215-3449
Telephone: 614-420-2555
Facsimile: 614-420-2550

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served electronically on the office of the United States Trustee and Debtor(s)' attorney and sent to all parties via regular first class mail, postage prepaid as listed below on the matrix on file with the Bankruptcy Clerk's Office as shown below at the time this document was electronically filed with the Clerk on 3/30/2015.

SERVE ALL PARTIES.

/s/ Faye D. English

Electronically signed by
Faye D. English, Chapter 13 Trustee